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PTO/SB/05 (03-01)

Approved for use through 10/31/2001. OMB 0651-0032

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|---|--|-------------------|-------------|-----------|
| UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i> | Attorney Docket No. | 88265-7344 | Total Pages | 29 |
| | First Named Inventor or Application Identifier | | | |
| | Philippe Jérôme Didier RIVIERE | | | |
| | Express Mail Label No. | | | |

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| APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i> | | ADDRESS TO: | Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 |
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g. PTO/SB/13) (Submit an original and a duplicate for fee processing) | | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) | |
| 2. <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27. | | 8. Nucleotide and/or Amino Acid Sequence Submission (<i>if applicable, all necessary</i>) <ul style="list-style-type: none"> a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: <ul style="list-style-type: none"> i. <input type="checkbox"/> CD ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies. | |
| 3. <input checked="" type="checkbox"/> Specification (preferred arrangement set forth below) <ul style="list-style-type: none"> -Descriptive title of the Invention -Cross Reference to Related Applications -Statement Regarding Fed Sponsored R&D -Reference to Sequence Listing, a table, or a computer program listing appendix -Background of the Invention -Brief Summary of the Invention -Brief Description of the Drawings (if filed) -Detailed Description -Claim(s) -Abstract of the Disclosure | | Total Pages <u>19</u> | ACCOMPANYING APPLICATION PARTS |
| 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) (Figs. 1) | | Total Sheets <u>1</u> | 9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s)) |
| 5. <input checked="" type="checkbox"/> Oath or Declaration (executed) | | Total Pages <u>9</u> | 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney (<i>when there is an assignee</i>) (<i>Copy attached</i>) |
| a. <input checked="" type="checkbox"/> Newly executed (original or copy) | | | 11. <input type="checkbox"/> English Translation Document (<i>if applicable</i>) |
| b. <input type="checkbox"/> Copy from prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) | | | 12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations |
| i. <input type="checkbox"/> <u>DELETION OF INVENTOR(S)</u> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). | | | 13. <input type="checkbox"/> Preliminary Amendment |
| 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 | | | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (<i>Should be specifically itemized</i>) |
| 18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76: | | | 15. <input checked="" type="checkbox"/> Certified copy of Priority Document(s) FR 0205620 and FR 0112106 (<i>if foreign priority is claimed</i>) |
| <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of application no. PCT/EP02/10252, filed September 9, 2002. | | | 16. <input type="checkbox"/> Non-publication Request Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent |
| | | | 17. <input type="checkbox"/> Other: _____ |

19. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of application no. PCT/EP02/10252, filed September 9, 2002.

Prior Application Information: Examiner: _____ Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPLICATIONS ONLY: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

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| Name (Print/Type) | For Allan A. Fanucci | | | | Registration No.: 30,256 | |
| Signature | <i>Allan A. Fanucci</i> | | | | Date | 3/18/04 |

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REQUEST FOR FILING A CONTINUATION OR DIVISION OF AN INTERNATIONAL APPLICATION

| Docket Number | Anticipated Classification of this Application | | Prior Application Examiner | Art Unit |
|---------------|--|-----------|----------------------------|----------|
| 88265-7344 | Class: | Subclass: | | |

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

This is a request for filing a continuation application under 37 CFR 1.53(b) of pending prior international application number PCT/EP02/10252, filed September 9, 2002, entitled in **FROZEN DESSERT, PROCESS FOR PRODUCING IT AND CONTAINER FOR PACKAGING AND DISTRIBUTING IT** which designated the United States.

Note: 37 CFR 1.53(d) cannot be used to file a continuation or divisional application of an international application which has not entered the national stage.

| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|--------|--|------------------|-------------------------------|----------|------------------|
| | TOTAL CLAIMS (37 CFR 1.16 (c)) | 27 - 20 | 7 | x \$ 18 | \$ 126.00 |
| | INDEPENDENT CLAIMS (37 CFR 1.16(b)) | 5 - 3 | 2 | x \$ 86 | \$ 172.00 |
| | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d)) | | | + \$ | |
| | | | BASIC FEE (37 CFR 1.16(a)) | | \$ 770.00 |
| | | | Total of above Calculations = | | \$ 1068.00 |
| | Reduction by 50% for filing by small entity (Note 37 CFR 1.27) | | | | |
| | | | Total = | | \$1,068.00 |

1. Enclosed are the specification and claims.
 2. The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 50-1814. A duplicate of this sheet is enclosed.
 3. Amend the specification by inserting before the first line the sentence:
 4. A newly executed declaration under 37 CFR 1.63 is enclosed.
 5. Priority of Application No. **FR 0205620** filed May 6, 2002 and **FR 0112106** filed September 19, 2001 in France is claimed under 35 U.S.C. § 119 (a)-(d). Copies of Certified copies of **FR 0205620** and **FR 0112106** are enclosed herewith.
- Please direct all communication for this matter to **Customer Number 28765**.

Date

3/18/04

Allan A. Fanucci 50, 932
Allan A. Fanucci, Reg. No. 30,256

WINSTON & STRAWN
CUSTOMER NO. 28765
212-294-3311